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Testimony for the Judiciary Committee public hearing on Monday, March 14, 2016

In regards to Raised Bill No. 5054, *'AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE'*

I oppose this raised bill for a number of reasons.

- 1) This bill can enable an abuser to manipulate the process to disarm a victim, rendering them incapable of protecting themselves.
 - a. The fastest growing segment for new permit and firearm purchases is amongst women choosing to empower themselves to not become victims. This bill enables a stalker or abuser to use the courts to disempower such women.
 - b. Abuse of male family members is poorly documented, but is every bit as serious. I personally know of a man who was forced to defend himself against a knife attack that would have killed him, were he not able to protect himself and his daughter. 5054 could have been abused, were it in place a few years ago, and I would have had to attend my friend's funeral.
 - c. Abusers will sometimes use any means to force a court appearance. It's sometimes the only chance they get to see their non-custodial children. 5054 could be used as a tool for "visitation"
- 2) This bill ignores due process, while there are ALREADY LAWS (plural) covering such situations. Sec. 29-38c. Seizure of firearms and ammunition from person posing risk of imminent personal injury to self or others. This law provides for the circumstances being debated in 5054. But unlike 5054, the existing law retains due process. Sec. 46b-38b. Investigation of family violence crime by peace officer allows for IMMEDIATE removal of firearms and ammunition during the course of investigating an alleged incident of domestic violence! Both of these laws are fully adequate to address removal of weapons. Creating additional laws only serves to obfuscate and generate litigation to clarify differences. Furthermore, the lack of due process in 5054 is likely to face constitutional challenge, potentially weakening existing protections for alleged victims of domestic violence. Your jobs as lawmakers is to embody clarity, not obfuscation!

3) The governor's claim that 5054 contains due process is false.

a. According to CT's Judicial Branch's own statistics:

http://www.jud.ct.gov/statistics/prot_restrain/ for current TRO's being issued under current law after Ex Parte requests show that nearly half fail at hearing

YEAR	Ex Parte Requests	Restraining		Number
		Issued after hearing	Percent Dropped	
2010	5138	2744	47%	2394
2011	4858	2523	48%	2335
2012	5257	2738	48%	2519
2013	5026	2636	48%	2390
2014	4409	2445	45%	1964
2015	4417	2788	37%	1629
Grand Total	36846	19813	46%	17033

46% could be denied due process.

b. For the individuals targeted by failed hearings that would have their property seized under 5054, certain property is forever removed and not returnable under Public Act 13-3 (aka 1160). There is no due process whatsoever when a single party can lay false claim, cause the state to permanently remove highly valuable property with absolutely no mechanism for its return.

4) False application when a household member is out of town, created a scenario whereby an individual is not present to comply within specified timeframes, criminalizing a non-response without recourse.

Given that there's already an exigent emergency statute, this raised bill is redundant. There's no falsely claimed "loophole". When the state intends to take and seize valuable personal property, there must be a mechanism that exceeds an unsubstantiated claim of one party. There must be a mechanism to make the person from whom property was seized fully whole, returning all such property and permits, including so called "assault weapons" and so called "hi capacity clips" to the owner within 24 to 48 hours following the expiration or withdrawal of a TRO.

Since this law offers no additional protections over existing law, and actually creates an avenue for new abuse through false allegations, you must reject this emotional and ill-thought bill. It is duplicitous, unnecessary given 29-38c, and must be soundly REJECTED

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